REMARKS

In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraph 2 of the outstanding office action the Examiner has provisionally rejected claims 1-4 and 10-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 8-10 and 17-21 of copending Application No. 10/673,735 and claims 1-4, 7 and 9 of copending Application No. 10/673,713. Applicants reserve the right to address and challenge the obviousness-type double patenting rejection, including the right to file a Terminal Disclaimer at a later date in the event this rejection is maintained and not made provisional. As prosecution has just begun in all three of these applications, it is unclear whether amendments to the claims may be made in one or more of the noted copending applications, and whether these amendments would render this provisional double-patenting rejection moot. Since the scope of the claims in such copending applications has not been determined, it is premature to consider whether the claims of the instant application define an obvious variation of the claims in the copending applications. Therefore Applicants request that this provisional rejection be held in abeyance and reconsidered at the completion of prosecution.

At paragraph 4 of the outstanding office action the Examiner has rejected claims 1, 4, 5, 7-10, 13, 14, and 16-18 under 35 USC 103(a) as being unpatentable over Tan et al. (US Patent 6,812,688) and further in view of Mojoli et al. (US Patent No. 4,615,040). Applicants respectfully traverse the rejection.

Applicants note that the instant application claims the benefit of US Provisional Application 60/415,155 filed September 30, 2002, which predates the December 10, 2002 filing date of Tan et al. While Tan et al. similarly claims priority to a provisional application, a review

of this provisional application reveals that at least Figure 1 of the Tan et al. patent, as well as other significant portions of the Tan et al. patent, are not found in the Tan et al. provisional application. Applicants therefore submit that the Tan et al. patent is not prior art to the present application. Further, the Examiner has not particularly pointed out those portions of the Tan et al. provisional application that disclose subject matter sufficient to reject the claims of the present application. Consequently, Tan et al. cannot be considered a prior art reference; and because the Examiner has not set forth a combination of *prior art* references that teaches Applicants' claimed invention, Applicants therefore respectfully request that the rejection of claims 1, 5, 8-10, 14, 17 and 18 under 35 USC 103(a) be withdrawn.

At paragraph 5 of the outstanding office action the Examiner has rejected claims 2, 3, 6, 11, 12 and 15 under 35 USC 103(a) as being unpatentable over Tan et al. and Mojoli et al. and further in view of Verboom (US Patent No. 6,407,970). Applicants respectfully traverse the rejection.

For the reasons noted above with respect to the rejections set out in paragraph 4 of the outstanding office action, Applicants submit that the Examiner has not set forth a combination of *prior art* references that teaches the claimed invention. Tan et al. is not prior art. Applicants therefore respectfully request that the rejection of claims 2, 3, 6, 11, 12 and 15 under 35 USC 103(a) be withdrawn.

CONCLUSION

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicant's undersigned attorney and, in the event the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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